

## **EXHIBIT D**

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

vs.

META PLATFORMS, INC.,

Defendant.

This Document Relates To: All Actions

Consolidated Case No. 3:20-cv-08570-JD

The Hon. James Donato

**CONSUMER PLAINTIFFS' RESPONSES  
AND OBJECTIONS TO DEFENDANT  
META PLATFORMS, INC.'S SECOND  
SET OF INTERROGATORIES**

<u>Statement No.</u>	<u>Reason Statement or Omission Deceptive or False</u>
	CONSUMER-FB-0000001254 at CONSUMER-FB-0000001255; CONSUMER-FB-0000001852–CONSUMER-FB-0000001853.

Because Consumer Plaintiffs have not yet completed their investigation, Facebook has not yet substantially begun its document production, fact discovery is ongoing, and expert discovery has not yet begun, Consumer Plaintiffs reserve the right to amend or supplement this response.

**INTERROGATORY NO. 9:**

For each statement or omission You identified in Your response to Interrogatory No. 6, identify which firms would have entered or exerted increased competitive pressure in the alleged Social Media Market or alleged Social Network Market but did not because of (in full or in part) the statement or omission, either alone or in combination with other statements or omissions identified in Your response to Interrogatory No. 6.

**RESPONSE TO INTERROGATORY NO. 9:**

Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds that, by seeking information regarding “[f]or each statement or omission . . . which firms would have entered or exerted increased competitive pressure . . . but did not because of (in full or in part) the statement or omission,” the Interrogatory seeks information concerning subject matters that are not relevant to any party’s claims or defenses in this case. Consumer Plaintiffs further object to this Interrogatory on the grounds and to the extent that due to Facebook’s definition of “You” and “Your,” the Interrogatory consequently (a) seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; (b) purports to require Consumer Plaintiffs to search for and provide information that is not in their possession, custody, or control and/or to which Consumer Plaintiffs do not have access; and (c) includes Consumer Plaintiffs’ legal counsel and attorneys and seeks to discover documents, data, or information protected by the attorney-client privilege, work product doctrine, the common interest privilege, and/or other investigative

1 privileges or protections. Consumer Plaintiffs further object to this Interrogatory to the extent that  
2 the Interrogatory seeks information protected by the attorney-client privilege, common interest  
3 privilege, or work product doctrine, or that is otherwise privileged or protected from discovery.  
4 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory seeks  
5 information that calls for an ultimate legal conclusion.

6 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking  
7 information regarding “which firms would have entered or exerted increased competitive pressure  
8 . . . but did not,” the Interrogatory is premature. Fact discovery is ongoing, Consumer Plaintiffs’  
9 investigation is continuing, Facebook has not yet substantially begun its production of documents  
10 in response to Consumer Plaintiffs’ document requests, and class and merits expert discovery is not  
11 set to commence until January 27, 2023, and August 4, 2023, respectively. Similarly, Consumer  
12 Plaintiffs further object to this Interrogatory on the grounds and to the extent that it is an improper  
13 “contention” interrogatory. Such a contention interrogatory is premature because fact discovery is  
14 ongoing, Consumer Plaintiffs’ investigation is continuing, and Facebook has not yet substantially  
15 begun its production of documents in response to Consumer Plaintiffs’ document requests.

16 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory  
17 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer  
18 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for  
19 expert discovery set by the Court.

20 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any  
21 response, the subject matters covered by this Interrogatory, and the Interrogatory’s scope.

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23 **INTERROGATORY NO. 10:**

24 For each statement or omission You identified in Your response to Interrogatory No. 6,  
25 identify and describe in full and complete detail each feature or activity that Meta and any other  
26 firms identified in Your responses to Interrogatory Nos. 1, 2, and 9 would have introduced on their  
27 Products and made available to users in the alleged Social Media Market or alleged Social Network  
28

1 Market but did not because of (in full or in part) the statement or omission, either alone or in  
2 combination with other statements or omissions identified in Your response to Interrogatory No. 6.

3  
4 **RESPONSE TO INTERROGATORY NO. 10:**

5 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in  
6 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds  
7 that, by seeking information regarding “[f]or each statement or omission” which “feature or activity  
8 . . . Meta and any other firms . . . would have introduced . . . and made available . . . but did not  
9 because of (in full or in part) the statement or omission,” the Interrogatory seeks information  
10 concerning subject matters that are not relevant to any party’s claims or defenses in this case.  
11 Consumer Plaintiffs further object to this Interrogatory on the grounds and to the extent that due to  
12 Facebook’s definition of “You” and “Your,” the Interrogatory consequently (a) seeks irrelevant  
13 information not reasonably calculated to lead to the discovery of admissible evidence; (b) purports  
14 to require Consumer Plaintiffs to search for and provide information that is not in their possession,  
15 custody, or control and/or to which Consumer Plaintiffs do not have access; and (c) includes  
16 Consumer Plaintiffs’ legal counsel and attorneys and seeks to discover documents, data, or  
17 information protected by the attorney-client privilege, work product doctrine, the common interest  
18 privilege, and/or other investigative privileges or protections. Consumer Plaintiffs further object to  
19 this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-  
20 client privilege, common interest privilege, or work product doctrine, or that is otherwise privileged  
21 or protected from discovery. Consumer Plaintiffs further object to this Interrogatory to the extent  
22 that the Interrogatory seeks information that calls for an ultimate legal conclusion.

23 Consumer Plaintiffs further object to this Interrogatory on the grounds that the Interrogatory  
24 is compound and comprised of multiple Interrogatories.

25 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking  
26 information regarding “each feature or activity that Meta and any other firms . . . would have  
27 introduced on their Products and made available to users in the alleged Social Media Market or  
28 alleged Social Network Market but did not,” the Interrogatory is premature. Fact discovery is

1 ongoing, Consumer Plaintiffs' investigation is continuing, Facebook has not yet substantially begun  
2 its production of documents in response to Consumer Plaintiffs' document requests, and class and  
3 merits expert discovery is not set to commence until January 27, 2023, and August 4, 2023,  
4 respectively. Similarly, Consumer Plaintiffs further object to this Interrogatory on the grounds and  
5 to the extent that it is an improper "contention" interrogatory, including to the extent it purports to  
6 require Consumer Plaintiffs to "describe in full and complete detail each feature or activity that Meta  
7 and any other firms . . . would have introduced . . . but did not because of (in full or in part) the  
8 statement or omission." Such a contention interrogatory is premature because fact discovery is  
9 ongoing, Consumer Plaintiffs' investigation is continuing, and Facebook has not yet substantially  
10 begun its production of documents in response to Consumer Plaintiffs' document requests.

11 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory  
12 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer  
13 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for  
14 expert discovery set by the Court.

15 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any  
16 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

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18 **INTERROGATORY NO. 11:**

19 For each statement or omission You identified in Your response to Interrogatory No. 6,  
20 describe in full and complete detail the "data privacy practices," User Complaint ¶ 226, that Meta  
21 and any other firms identified in Your responses to Interrogatory Nos. 1, 2, and 9 would have  
22 maintained in the alleged Social Media Market or alleged Social Network Market but did not  
23 because of (in full or in part) the statement or omission, either alone or in combination with other  
24 statements or omissions identified in Your response to Interrogatory No. 6.

25  
26 **RESPONSE TO INTERROGATORY NO. 11:**

27 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in  
28 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds

1 that, by seeking information regarding “[f]or each statement or omission . . . the ‘data privacy  
2 practices,’ . . . that Meta and any other firms . . . would have maintained . . . but did not because of  
3 (in full or in part) the statement or omission,” the Interrogatory seeks information concerning subject  
4 matters that are not relevant to any party’s claims or defenses in this case. Consumer Plaintiffs  
5 further object to this Interrogatory on the grounds and to the extent that due to Facebook’s definition  
6 of “You” and “Your,” the Interrogatory consequently (a) seeks irrelevant information not reasonably  
7 calculated to lead to the discovery of admissible evidence; (b) purports to require Consumer  
8 Plaintiffs to search for and provide information that is not in their possession, custody, or control  
9 and/or to which Consumer Plaintiffs do not have access; and (c) includes Consumer Plaintiffs’ legal  
10 counsel and attorneys and seeks to discover documents, data, or information protected by the  
11 attorney-client privilege, work product doctrine, the common interest privilege, and/or other  
12 investigative privileges or protections. Consumer Plaintiffs further object to this Interrogatory to  
13 the extent that the Interrogatory seeks information protected by the attorney-client privilege,  
14 common interest privilege, or work product doctrine, or that is otherwise privileged or protected  
15 from discovery. Consumer Plaintiffs further object to this Interrogatory to the extent that the  
16 Interrogatory seeks information that calls for an ultimate legal conclusion.

17 Consumer Plaintiffs further object to this Interrogatory on the grounds that the Interrogatory  
18 is compound and comprised of multiple Interrogatories.

19 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking  
20 information regarding “the ‘data privacy practices’ . . . that Meta and other firms . . . would have  
21 maintained in the alleged Social Media Market or alleged Social Network Market but did not,” the  
22 Interrogatory is premature. Fact discovery is ongoing, Consumer Plaintiffs’ investigation is  
23 continuing, Facebook has not yet substantially begun its production of documents in response to  
24 Consumer Plaintiffs’ document requests, and class and merits expert discovery is not set to  
25 commence until January 27, 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs  
26 further object to this Interrogatory on the grounds and to the extent that it is an improper  
27 “contention” interrogatory, including to the extent it purports to require Consumer Plaintiffs to  
28 “describe in full and complete detail the ‘data privacy practices’ that Meta and any other firms . . .

1 would have maintained in the alleged Social Media Market or alleged Social Network Market but  
 2 did not because of (in full or in part) the statement or omission.” Such a contention interrogatory is  
 3 premature because fact discovery is ongoing, Consumer Plaintiffs’ investigation is continuing, and  
 4 Facebook has not yet substantially begun its production of documents in response to Consumer  
 5 Plaintiffs’ document requests.

6 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory  
 7 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer  
 8 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for  
 9 expert discovery set by the Court.

10 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any  
 11 response, the subject matters covered by this Interrogatory, and the Interrogatory’s scope.

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 13 **INTERROGATORY NO. 12:**

14 For each statement or omission You identified in Your response to Interrogatory No. 6,  
 15 describe in full and complete detail each change in “application quality,” User Complaint ¶ 226, that  
 16 Meta and any other firms identified in Your responses to Interrogatory Nos. 1, 2, and 9 would have  
 17 made in the alleged Social Media Market or alleged Social Network Market but did not because of  
 18 (in full or in part) the statement or omission, either alone or in combination with other statements or  
 19 omissions identified in Your response to Interrogatory No. 6.

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 21 **RESPONSE TO INTERROGATORY NO. 12:**

22 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in  
 23 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds  
 24 that, by seeking information regarding “[f]or each statement or omission . . . each change in  
 25 ‘application quality,’ . . . that Meta and any other firms . . . would have made . . . but did not because  
 26 of (in full or in part) the statement or omission,” the Interrogatory seeks information concerning  
 27 subject matters that are not relevant to any party’s claims or defenses in this case.



1 Consumer Plaintiffs further object to this Interrogatory on the grounds and to the extent that  
2 due to Facebook’s definition of “You” and “Your,” the Interrogatory consequently (a) seeks  
3 irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; (b)  
4 purports to require Consumer Plaintiffs to search for and provide information that is not in their  
5 possession, custody, or control and/or to which Consumer Plaintiffs do not have access; and (c)  
6 includes Consumer Plaintiffs’ legal counsel and attorneys and seeks to discover documents, data, or  
7 information protected by the attorney-client privilege, work product doctrine, the common interest  
8 privilege, and/or other investigative privileges or protections. Consumer Plaintiffs further object to  
9 this Interrogatory to the extent that the Interrogatory seeks information protected by the attorney-  
10 client privilege, common interest privilege, or work product doctrine, or that is otherwise privileged  
11 or protected from discovery. Consumer Plaintiffs further object to this Interrogatory to the extent  
12 that the Interrogatory seeks information that calls for an ultimate legal conclusion.

13 Consumer Plaintiffs further object to this Interrogatory on the grounds that the Interrogatory  
14 is compound and comprised of multiple Interrogatories.

15 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking  
16 information regarding “each change in ‘application quality,’ . . . that Meta and other firms . . . would  
17 have made in the alleged Social Media Market or alleged Social Network Market but did not,” the  
18 Interrogatory is premature. Fact discovery is ongoing, Consumer Plaintiffs’ investigation is  
19 continuing, Facebook has not yet substantially begun its production of documents in response to  
20 Consumer Plaintiffs’ document requests, and class and merits expert discovery is not set to  
21 commence until January 27, 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs  
22 further object to this Interrogatory on the grounds and to the extent that it is an improper  
23 “contention” interrogatory, including to the extent it purports to require Consumer Plaintiffs to  
24 “describe in full and complete detail each change in ‘application quality[.]’” Such a contention  
25 interrogatory is premature because fact discovery is ongoing, Consumer Plaintiffs’ investigation is  
26 continuing, and Facebook has not yet substantially begun its production of documents in response  
27 to Consumer Plaintiffs’ document requests.

1 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory  
 2 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer  
 3 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for  
 4 expert discovery set by the Court.

5 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any  
 6 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

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 8 **INTERROGATORY NO. 13:**

9 For each feature or activity available to users on each Meta Product that is a Participant in  
 10 your alleged "Social Network Market," state whether the feature or activity is or is not within your  
 11 alleged "Social Network Market."

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 13 **RESPONSE TO INTERROGATORY NO. 13:**

14 Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in  
 15 their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds  
 16 that the undefined terms "feature or activity" render the Interrogatory vague and ambiguous as to  
 17 the sorts of information being sought. Consumer Plaintiffs further object to this Interrogatory on  
 18 the grounds that the Interrogatory is compound and comprised of multiple Interrogatories.

19 Consumer Plaintiffs further object to this Interrogatory on the grounds that it seeks  
 20 information that is not relevant to any party's claims or defenses in this case.

21 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking  
 22 information regarding "each feature or activity available to users on each Meta product," the  
 23 Interrogatory seek information that is not in Consumer Plaintiffs' possession, custody, or control at  
 24 this time and/or is more available or accessible to Facebook. Facebook knows the full scope of  
 25 "feature[s]" and "activit[ies]" it makes "available to users on each Meta Product[.]"

26 Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking  
 27 information regarding "each feature or activity available to users on each Meta product" and  
 28 "whether the feature or activity is or is not within" the Social Network Market, the Interrogatory is

1 premature. Fact discovery is ongoing, Consumer Plaintiffs' investigation is continuing, Facebook  
2 has not yet substantially begun its production of documents in response to Consumer Plaintiffs'  
3 document requests, and class and merits expert discovery is not set to commence until January 27,  
4 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs further object to this  
5 Interrogatory on the grounds and to the extent that it is an improper "contention" interrogatory.  
6 Such a contention interrogatory is premature because fact discovery is ongoing, Consumer  
7 Plaintiffs' investigation is continuing, and Facebook has not yet substantially begun its production  
8 of documents in response to Consumer Plaintiffs' document requests. Consumer Plaintiffs further  
9 object to this Interrogatory to the extent it presupposes that a "feature or activity is or is not within"  
10 an alleged relevant market.

11 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory  
12 seeks information that will necessarily be the subject of expert testimony and analysis. Consumer  
13 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for  
14 expert discovery set by the Court.

15 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory  
16 seeks information protected by the attorney-client privilege, common interest privilege, or work  
17 product doctrine, or that is otherwise privileged or protected from discovery. Consumer Plaintiffs  
18 further object to this Interrogatory to the extent that the Interrogatory seeks information that calls  
19 for an ultimate legal conclusion.

20 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any  
21 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

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23 **INTERROGATORY NO. 14:**

24 For each feature or activity available to users on each Meta Product that is a Participant in  
25 your alleged "Social Media Market," state whether the feature or activity is or is not within your  
26 alleged "Social Media Market."  
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**RESPONSE TO INTERROGATORY NO. 14:**

Consumer Plaintiffs object to this Interrogatory on the grounds set forth in detail above in their General Objections. Consumer Plaintiffs further object to this Interrogatory on the grounds that the undefined terms “feature or activity” render the Interrogatory vague and ambiguous as to the sorts of information being sought. Consumer Plaintiffs further object to this Interrogatory on the grounds that the Interrogatory is compound and comprised of multiple Interrogatories.

Consumer Plaintiffs further object to this Interrogatory on the grounds that it seeks information that is not relevant to any party’s claims or defenses in this case.

Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking information regarding “each feature or activity available to users on each Meta product,” the Interrogatory seek information that is not in Consumer Plaintiffs’ possession, custody, or control at this time and/or is more available or accessible to Facebook. Facebook knows the full scope of “feature[s]” and “activit[ies]” it makes “available to users on each Meta Product[.]”

Consumer Plaintiffs further object to this Interrogatory on the grounds that by seeking information regarding “each feature or activity available to users on each Meta product” and “whether the feature or activity is or is not within” the Social Media Market, the Interrogatory is premature. Fact discovery is ongoing, Consumer Plaintiffs’ investigation is continuing, Facebook has not yet substantially begun its production of documents in response to Consumer Plaintiffs’ document requests, and class and merits expert discovery is not set to commence until January 27, 2023, and August 4, 2023, respectively. Similarly, Consumer Plaintiffs further object to this Interrogatory on the grounds and to the extent that it is an improper “contention” interrogatory. Such a contention interrogatory is premature because fact discovery is ongoing, Consumer Plaintiffs’ investigation is continuing, and Facebook has not yet substantially begun its production of documents in response to Consumer Plaintiffs’ document requests. Consumer Plaintiffs further object to this Interrogatory to the extent it presupposes that a “feature or activity is or is not within” an alleged relevant market.

Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory seeks information that will necessarily be the subject of expert testimony and analysis. Consumer

1 Plaintiffs will make expert disclosures and produce their expert reports pursuant to the schedule for  
2 expert discovery set by the Court.

3 Consumer Plaintiffs further object to this Interrogatory to the extent that the Interrogatory  
4 seeks information protected by the attorney-client privilege, common interest privilege, or work  
5 product doctrine, or that is otherwise privileged or protected from discovery. Consumer Plaintiffs  
6 further object to this Interrogatory to the extent that the Interrogatory seeks information that calls  
7 for an ultimate legal conclusion.

8 Consumer Plaintiffs will meet-and-confer with Facebook regarding the timing of any  
9 response, the subject matters covered by this Interrogatory, and the Interrogatory's scope.

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